

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :
-----X

-v- :
-----X

M PROPOSED ORDER

JATIEK SMITH, : 22 Cr. 352 (JSR)

Defendant. :
-----X

JED S. RAKOFF, District Judge:

Counsel for Jatiek Smith, has requested approval of a laptop for the defendant, Jatiek Smith, who needs to review discovery materials produced by the Government and therefore requires access to an electronic device under the terms ordered below. Defense counsel represents that without this laptop Mr. Smith will be unable to effectively review the massive amount of discovery material that the Government has provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

Defense counsel has advised that she has consulted with Alan Nelson, the Circuit Budgeting Attorney, and with Data Mill Inc., the company that prepares laptops for use by defendants in prosecutions in this District. Defense counsel advises that Data Mill has an appropriate laptop available and that the laptop has been shipped to the prosecutors in this case.

IT IS HEREBY ORDERED THAT defense counsel's application is granted as follows:

1. In the event that the laptop shipped to the prosecutors in this case is not usable, defense counsel is authorized to procure with CJA funds a laptop that meets the requirements of the Metropolitan Detention Center (MDC). Defense counsel is also authorized to purchase with CJA funds any subsequent external hard drives that may be required to provide Mr. Smith with access to the discovery (collectively, the “Electronic Device”) for purposes of the discovery review.

2. If it is necessary for defense counsel to purchase a new computer, counsel shall provide the new electronic device to Data Mill Inc., which shall review the Electronic Device and confirm that the wireless and printing capabilities are disabled in a manner acceptable to the MDC.

3. Data Mill Inc., or the Government shall load onto the Electronic Device such software as Mr. Smith will need to review and make notes on the discovery. Data Mill Inc., shall set a password protected administrative account on the Electronic Device that is separate from Mr. Smith’s password protected user account to prevent any user from making changes to the Electronic Device.

4. Data Mill Inc., shall provide the Electronic Device to the Government. The Electronic Device shall be clearly marked with Mr. Smith’s name and Marshal’s registration number.

5. The Government shall save the discovery onto the Electronic Device as well as onto any subsequent external hard drives that may be required to provide Mr. Smith with access to the discovery.

with Mr. Smith) will have access to the discovery materials on the Electronic Device.

Mr. Smith may bring the Electronic Device to meetings with his counsel and other members of the defense team.

12. This Court will revisit this Order and Mr. Smith's access to the Electronic Device if it appears that Mr. Smith is not abiding by this Order.

IT IS FURTHER ORDERED that no later than the conclusion of the proceedings against Mr. Smith in the District Court, whether through dismissal of the charges against Mr. Smith or the sentencing of Mr. Smith, the MDC shall return the Electronic Device to Mr. Smith's defense counsel, who will promptly provide it to Data Mill Inc., or to such person as defense counsel may be directed by the Circuit Budgeting Attorney.

Dated: New York, New York
April 28, 2023

SO ORDERED:



JED S. RAKOFF
United States District Judge